

HOUSE BILL 295

M1

01r2128

By: **Delegate O'Donnell**

Introduced and read first time: January 27, 2010

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources – Incidental Taking Permit for Endangered Puritan Tiger**
3 **Beetle – Requirements**

4 FOR the purpose of requiring the Secretary of Natural Resources to issue a permit to
5 an applicant that authorizes an incidental taking of the endangered Puritan
6 Tiger Beetle under certain circumstances; requiring the Secretary to adopt
7 certain regulations relating to an incidental taking permit for the endangered
8 Puritan Tiger Beetle; and generally relating to an incidental taking permit for
9 the endangered Puritan Tiger Beetle.

10 BY repealing and reenacting, with amendments,
11 Article – Natural Resources
12 Section 10–2A–05.1
13 Annotated Code of Maryland
14 (2007 Replacement Volume and 2009 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article – Natural Resources**

18 10–2A–05.1.

19 (a) The Secretary [may] **SHALL** issue a permit to an applicant that
20 authorizes an incidental taking of the endangered Puritan Tiger Beetle if:

21 (1) The applicant submits a conservation plan to the Department that
22 specifies:

23 (i) The impact that will likely result from the incidental taking;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (ii) The steps that the applicant will take to minimize and
2 mitigate the impact, and the funding that will be available to implement the steps;

3 (iii) The alternative actions to the incidental taking that the
4 applicant considered and the reasons that the alternatives were not used; and

5 (iv) Any other measures that the Secretary requires as being
6 **REASONABLY** necessary or appropriate for the purposes of the plan; and

7 (2) The Secretary finds that:

8 (i) The incidental taking will not appreciably reduce the
9 likelihood of the survival or recovery of the Puritan Tiger Beetle in the wild;

10 (ii) The applicant will, to the extent practicable, minimize and
11 mitigate the impacts of the incidental taking;

12 (iii) Adequate funding for the conservation plan is available and
13 the plan will be implemented; and

14 (iv) The applicant has obtained the required federal
15 authorization for the incidental taking of the Puritan Tiger Beetle.

16 (b) The Secretary [may] **SHALL** adopt regulations to implement and enforce
17 this section.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2010.